

Serial No.: 10/554,639

Filing Date: 10/26/2005

Attorney Docket No. 515.034US01

Title: UPDATING SYSTEM OF MUSIC INFORMATION , BROADCASTING APPARATUS  
OF MUSIC INFORMATION, TERMINAL HAVING UPDATING FUNCTION OF MUSIC  
INFORMATION, UPDATING M

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**REMARKS**

The Final Office Action mailed on August 23, 2007 has been reviewed, along with the art cited. Claims 1, 3-12, and 14-16 are pending in this application.

**Rejections Under 35 U.S.C. § 103**

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. In order for the Examiner to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Claims 1 and 3-16 were rejected under 35 USC § 103(a) as being unpatentable over Ihara (European Patent Application No. EP 1 137 210 A2) in view of Mackintosh et al. (U.S. Patent No. 6,317,784).

Claim 13 is canceled.

The Applicant respectfully traverses the rejection of claims 1, 3-12, and 14-16 under section 103. Neither the Ihara reference nor the Mackintosh reference teaches all aspects of amended independent claims 1, 14, 15 and 16. For example, neither the Ihara reference nor the Mackintosh reference teach the “update unit once holds the music information or a newly added difference in the music information transmitted from said broadcasting apparatus side constantly repeatedly or periodically on predetermined days and, when detecting that is not the same as the already received information, stores the information in said reception side memory unit,” which is supported in the present application on page 14, lines 15-23. Since neither the Ihara reference nor the Mackintosh reference teaches all aspects of claims 1, 14, 15 and 16, they are also allowable.

Claims 3-12 depend from claim 1 and are also allowable. Since the Applicant believes that the dependent claims 3-12 are allowable for the above reasons, arguments to

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all rejections to said claims may not have been provided in this response. The Applicant however, retains the right to address said rejection if a further response is required.

Withdrawal of the rejection of claims 1, 3-12, and 14-16 is respectfully requested.

### **CONCLUSION**

Applicant respectfully submits that claims 1, 3-12, and 14-16 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: November 21, 2007

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